

# COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled rpoB gene fragments and a method for the diagnosis and identification of Mycobacterium tuberculosis and the specification of which:

non-tuberculosis Mycobacterial strains

X is attached hereto.  
\_\_\_\_\_ was filed on \_\_\_\_\_  
as United States Application Number \_\_\_\_\_  
or PCT International Application Number \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventors certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventors certificate listed below and have also identified below any foreign application for patent or inventors certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>1999-46795</u>	<u>Republic of Korea</u>	<u>27/10/1999</u>	<u>X</u>	_____
(Number)	(Country)	(Day/Month/Year Field)	Yes	No
_____	_____	_____	Yes	No
(Number)	(Country)	(Day/Month/Year Field)		
_____	_____	_____	Yes	No
(Number)	(Country)	(Day/Month/Year Field)		

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
Filing Date

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Application Number)</u>	<u>Filing Date</u>	<u>(Status patented, pending, abandoned)</u>
<u>(Application Number)</u>	<u>Filing Date</u>	<u>(Status patented, pending, abandoned)</u>
<u>(Application Number)</u>	<u>Filing Date</u>	<u>(Status patented, pending, abandoned)</u>

I hereby appoint Mark R. Shanks Registration No. 33,781, Toni-Junell Herbert, Registration No. 34,348, Simon D. Roberts (Certificate of Limited Recognition), David W. Woodward, Registration No. 35,020, Keith D. Hutchinson, Registration No. 43,687, Maria L. Maebius, Registration No. 42,967, Mark J. Pino, Registration No. 43,858, Deanna L. Baxam, Registration No. 45,266, Joseph G. Contrera, Registration No. 44,628, Chalin A. Smith, Registration No. 41,569, Shelly Guest Cermak, Registration No. 39,571, Patrick Stanzione, Registration No. 40,434, Suzannah Sundby, Registration No. 43,172 of SHANKS & HERBERT, telephone (703) 683-3600, with a mailing address at:

TransPotomac Plaza  
1033 N. Fairfax St., Suite 306  
Alexandria, VA 22314

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

The undersigned hereby authorizes the U.S. Attorneys named herein to accept and follow instructions from undersigned's assignee, if any, and/or, if the undersigned is not a resident of the United States, the undersigned's domestic attorney, patent attorney or patent agent, as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the undersigned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

Full Name of Sole/First Inventor: Hyeyoung LEE

Inventors Signature: Hyeyoung Lee Date: Oct. 21, 2000  
 Residence: Seoul Citizenship: Republic of Korea  
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Inventors Signature: Young Kil Park Date: Oct. 21, 2000  
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Inventors Signature: Bai Gill Han Date: Oct. 21 / 2000  
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Full Name of Fourth/Joint Inventor: Sang-Jae KIM

Inventors Signature: Sj Kim Date: Oct. 21, 2000  
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Full Name of Fifth/Joint Inventor: Sang-Nae CHO

Inventors Signature: Sangnae Cho Date: Oct. 21, 2000  
Residence: Seoul Citizenship: Republic of Korea  
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Full Name of Sixth/Joint Inventor: Yeon KIM

Inventors Signature: Yeon Kim Date: Oct. 21. 2000  
Residence: Pajoo-si, Kyunggi-do Citizenship: Republic of Korea  
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Full Name of Seventh/Joint Inventor: Hee Jung PARK

Inventors Signature: Park Heejung Date: Oct. 21. 2000.  
Residence: Seoul Citizenship: Republic of Korea  
(City, State) (Country)

Post Office Address: No. 102-209, Dongjin-villa, 341, Chang-1-dong, Dobong-ku, Seoul,  
Republic of Korea

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

Docket No.:

In re the Application or Patent of:

Serial or Patent No:

Filed:

For:

I hereby declare that I am

- ☒ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: ERUME BIOTECH CO., LTD.

ADDRESS OF CONCERN: 4th Fl. Erume Building, 807-3, Bangbae-dong, Seocho-ku, Seoul  
137-060, Republic of Korea

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under 35 U.S.C. §§ 41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons.

**DEFINITIONS:** For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that the rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention of the above-identified application or patent. If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 35 C.F.R. § 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 35 C.F.R. § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. § 1.27).

NAME: ERUME BIOTECH CO., LTD.

ADDRESS: 4th Fl. Erume Building, 807-3, Bangbae-dong, Seocho-ku, Seoul  
137-060, Republic of Korea

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Jae Hyuk, NOH

TITLE OF PERSON (IF OTHER THAN OWNER): President

ADDRESS OF PERSON SIGNING: 4th Fl. Erume building, 807-3, Bangbae-dong, Seocho-ku,  
Seoul 137-060, Republic of Korea

SIGNATURE: Jae Hyuk Noh

DATE: Oct. 24, 2000

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